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THE CHARTER

—OF THE—

CITY OF RICHMOND.

COMPILED BY THE

✻CITY ATTORNEY✻

AND PRINTED BY THE COMMITTEE ON

ACCOUNTS AND PRINTING

By Authority of a Joint Resolution of the City Council,
Approved October 14, 1898.

—
RICHMOND:

O. E. FLANHART PRINTING COMPANY.
1898.

UNIVERSITY OF CALIFORNIA
AT LOS ANGELES





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COMMITTEE ON ACCOUNTS AND PRINTING.

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JAS. BAHEN,
SOL. L. BLOOMBERG,
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THE CHARTER

OF THE

CITY OF RICHMOND

AS PROVIDED BY THE ACT OF THE GENERAL ASSEMBLY OF VIRGINIA, APPROVED MAY 24, 1870, AND THE ACTS AMENDATORY THEREOF.

1934
1874
P. 229.
(The marginal references are to the Acts of the General Assembly by which the particular section has been amended. Where there is no marginal reference the section remains as originally adopted.)

CHAPTER 1.

ELECTIONS.

1. Be it enacted by the general assembly, That the territory contained within the limits prescribed by the act passed February thirteenth, eighteen hundred and sixty-seven, and entitled an act to extend and define the boundaries of the city of Richmond, and by any act hereafter passed by the general assembly of this State, shall be deemed and taken as the city of Richmond; and the inhabitants of the city of Richmond, for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of The City of Richmond, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and appertaining to said city as a municipal incorporation.

2. The administration and government of the said city shall be vested in one principal officer, to be styled the mayor; two boards, to be called respectively the common council and board of aldermen of the city of Richmond; and in such other boards and officers as are hereinafter provided for.

3. The said city shall be divided into five wards, which number of wards the city council hereafter may increase as they may deem it expedient. Every such division shall be made in such

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manner as to include an equal number of voters in each ward, as nearly as conveniently may be consistent with the well-defined limits of each ward. Until such revision be made, the boundary lines of wards shall remain as now established.

1869-70. 4. Whenever any special election shall be ordered by the city
p. 451. council for any object not provided for in the general election laws of the State, they shall communicate their order for the same to the judge of the corporation court, and the same proceedings shall be had as are provided by the laws of the State for special elections to fill vacancies in any municipal office.

1869-70. 5. The election of municipal officers, hereinafter mentioned,
p. 451. shall be held on the fourth Thursday in May, eighteen hundred
1870-1. and seventy, and on the fourth Thursday in May in every second
p. 326. year thereafter, except the election of the city treasurer, who shall be elected on the said Thursday in every third year thereafter; and the said election shall be conducted under the provisions of the general election laws of the State.

1869-70. 6. In cases of vacancies arising in any municipal office herein
p. 451. provided to be filled at the first election that may be held thereafter in said city, it shall be the duty of the mayor forthwith upon the happening of such vacancy or vacancies, to certify the fact of such vacancy or vacancies to the judge of the corporation court, who shall issue his writ for election to fill such vacancy or vacancies in the manner prescribed in the general election laws of the State.

1869-70. 7. The mayor and the members of the city council, before
p. 452. entering upon the duties of their respective offices, shall be respectively sworn in accordance with the laws of this State. Such oaths may be administered to the mayor-elect by any judge of a court of record commissioned to hold any such court within said city; and the members of the city council by the mayor, being himself first sworn as aforesaid, or by any judge of any court of record as aforesaid; and a certificate of such oaths having been respectively taken, shall be filed with the city clerk, and entered upon the journal of the city council. Every other person elected or appointed to any office under this act or under any law or ordinance of the city council, shall, before he enters upon the duties of said office, take and subscribe said oath, and such other oaths as may be required by law or ordinance, before the mayor or city clerk, the said clerk having himself been first sworn by said mayor or a judge of a court of record as aforesaid; and a certificate of the same shall be filed in the office of said city clerk. If any person, elected or appointed to any office in said city, shall neglect to take such oath for forty days after receiving notice of his election or appointment, or shall neglect, for the like space of time, to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any

such vacancy shall occur, another election shall be ordered or another appointment made, according to the directions of this act.

CHAPTER II.

MAYOR.

8. The mayor shall be elected by the qualified voters of the city of Richmond for the term of two years, and until his successor shall be elected, and qualify; and no person shall be qualified to hold the office of mayor except such as shall be qualified to hold office under the Constitution of this State. His salary shall be fixed by the city council, payable at stated periods; and he shall receive no other compensation or emolument whatsoever; and no regulations diminishing such compensation, after it has been once fixed, shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. The salary of the mayor, when fixed, shall so continue until changed by the city council as foresaid.

9. He shall, by virtue of his office, possess all the jurisdiction and exercise all the powers and authority, in criminal cases, of a justice of the peace of said city, in addition to the powers hereby given to him by virtue of this act, or that may hereafter be given to him by virtue of any other act of assembly; but he shall receive no fees for his services as such justice of the peace.

10. It shall be his duty to communicate to the city council annually, as soon as may be after the commencement of the fiscal year, and oftener if he shall deem it expedient, or be required by said council, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, with such recommendations as he may deem proper.

11. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend or remove such officers for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defence. On the removal or suspension of such officer or officers, the mayor shall report the same, with his reasons therefor, to the city council at their next stated meeting.

12. In case of the absence or inability of the mayor, the president of the board of aldermen shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.

1874.
p. 229.

1869-70,
p. 452.

13. In case a vacancy shall occur in the office of mayor, the city council shall elect a qualified person to supply the vacancy until the first general election which may be held in the city thereafter, when the vacancy shall be filled by election for the unexpired term.

CHAPTER III.

THE CITY COUNCIL.

1869-70,
p. 452.

1870-1,
p. 326.

1874,
p. 229.

14. The council of the city of Richmond shall be formed of two distinct branches; one of these shall be called the common council, and shall consist of five members from each ward, to be elected every two years; the other shall be called the board of aldermen, and shall consist of three members from each ward, to be elected every four years. The members of the board of common council and aldermen shall be residents of their respective wards, and shall not be less than twenty-one years of age. They shall be elected by the electors of their respective wards. Upon the assembling of the members of the board of aldermen, so elected, they shall be divided into two equal classes, to be numbered by lot. The term of service of the members of the first class shall expire with that of the members of the common council elected at the first election after the passage of this act, and the term of service of the members of the second class shall expire with that of the members of the common council elected at the second election after the passage of this act, and this alternation shall continue, so that one-half of the members of the board of aldermen may be chosen every two years.

1874,
p. 230.

1891-2,
p. 660.

15. When any vacancy shall occur in either branch by death, resignation, removal from the ward, failure to qualify, or from any other cause, the branch in which such vacancy occurs shall elect a qualified person to supply the vacancy for the unexpired term.

16. Each branch of the council shall also elect one of its members to act as president, who shall preside at its meetings and continue in office two years, unless it be to fill a vacancy, when he shall be elected for the unexpired term. Each branch of the council shall also elect one of its members to be a vice-president, who shall preside at such meetings in the absence of the president, and who, when the president shall be absent from the city or shall be unable to perform the duties of his office by reason of sickness or other cause, shall perform any and all duties required of or entrusted to such president under any provision of this charter. When for any cause both the president and the vice-president shall be absent from any meeting a president pro tempore shall be elected by the respective branch, who shall preside during the absence of the president and vice-president. The president, vice-president or president pro tempore,

who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president of each branch or the vice-president, when authorized as above stated to act for the president, shall have power at any time to call a meeting of his branch of the council, in case of absence, sickness, disability or refusal to act of both the president and vice-president of a branch of the council that branch may be convened by the order in writing of any three members of said branch.

17. Each branch shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by a vote of two-thirds of its members to expel a member for malfeasance or misfeasance in office. Each branch shall keep a journal of its proceedings, and its meetings shall be open, except when public welfare shall require secrecy. The city council and or any of its committees, when authorized by the said council, the board of police commissioners and the board of fire commissioners may each, in any investigation held by them, respectively, within their respective powers and duties, order the attendance of any person as a witness, and the production of any person of all proper books and papers. Any person refusing or failing to attend may be summoned before the police justice of the city, and upon failing to give a satisfactory excuse to said police justice may be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding thirty days; such person to have the right of appeal as in case of misdemeanor to the hustings court of Richmond. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation.

18. A majority of the members of each branch shall constitute a quorum for the transaction of business, except that on all ordinances or resolutions appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, a vote of two thirds of all the members elected to each branch shall be necessary, and the yeas and nays shall be entered on the journal of each branch, respectively. No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the two branches on the same day; nor shall any such ordinance or resolution be valid unless at least three days intervene between its passage by the said branches respectively.

1874.
p. 230.

1875-6.
p. 48.

19. The city council shall have, subject to the provisions herein contained, the control and management of the fiscal and muni-

icipal affairs of the city, and of all property, real and personal, belonging to the said city; and may make such ordinances, orders, and by-laws, relating to the same, as it shall deem proper and necessary. They shall likewise have the power to make such ordinances, by-laws, orders, and regulations as they may deem desirable to carry out the following powers, which are hereby vested in them:

I. To establish markets in and for said city; appoint clerks and proper officers therefor; prescribe the times and places for holding the same; provide suitable buildings therefor, and to enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling, and regrating.

II. To erect or provide, in or near the city, suitable work-houses, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. They shall possess and exercise exclusive authority over all persons within the limits of the city, receiving or entitled to the benefits of the poor-laws; appoint officers and other persons connected with the aforesaid institutions, and regulate pauperism within the limits of the city; and the council, through the agencies it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

III. To erect and keep in order all public buildings necessary or proper for said city; to open, regulate, and ornament public squares and parks.

IV. To erect within said city a city prison, and said prison may contain such apartments as shall be necessary for the safe keeping and employment of all persons confined therein.

V. To establish or enlarge water-works and gas-works and electric plants within and without the limits of the said city; contract and agree with the owners of any land for the use or purchase thereof, or may have the same condemned for the location, extension, or enlargement of their said works, the pipes, poles, or wires connected therewith, or any of the fixtures or appurtenances thereof. They shall have power to protect from injury, by adequate penalties, the said works, pipes, poles, wires, and fixtures, and land, or anything connected therewith, within or without the limits of said city, and to prevent the pollution of water in James river, or any branch or stream flowing into the same, by prohibiting the throwing of filth, offensive or deleterious matter or liquid therein above the said works, within fifteen miles above said works.

There shall be no lease nor sale of the city gas or water-works unless the proposition shall first be submitted to the voters of the city of Richmond at some regular city election, and receive in favor thereof a majority of all votes cast at such election.

VI. To establish, construct, and keep in order, alter or remove, landings, wharves, and docks on lands belonging to the city;

1889-90.
p. 584.

1891-2.
p. 661.

1891-2
p. 662.

and to lay and collect a reasonable duty on vessels coming to and using the same, and to regulate the manner of using other wharves and landings within the corporate limits; to prevent or remove all obstructions in and upon any landings, wharves, or docks. They may also appoint port-wardens for the port of said city, who shall exercise such powers as the council may give them up to the port-warden's lines, as they may be established from time to time by the United States government, and fix their fees and compensation. The said city shall have power to improve and keep in good, safe, and navigable condition the harbor of James river within the corporate limits. The city council of said city shall have all the powers set forth in sections two thousand and eleven, two thousand and thirteen, and two thousand and fourteen of the Code of Virginia, eighteen hundred and eighty-seven, which powers it may delegate to some proper committee of persons satisfactory to said council.

VII. To close or extend, widen or narrow, lay out and graduate, pave, and otherwise improve streets and public alleys in the city, and have them properly lighted and kept in good order; and they shall have over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets or alleys. They may build bridges in, and culverts under, said streets; and may prevent or remove any structure, obstruction, or encroachment over, or under, or in a street or alley, or any sidewalk thereof, and may have shade-trees planted along the said streets; and no company shall occupy with its works the streets of the city without the consent of the council. In the meantime, no order shall be made and no injunction shall be awarded, by any court or judge, to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants, are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

VIII. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatever.

IX. To authorize the laying down of city railway tracks, and the running of horse-cars thereon, in the streets of the city, under such regulations as they may prescribe.

X. To determine and designate the route and grade of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotives, engines, and cars upon the railroads within the said city, and may wholly exclude the said engines or cars, if they please; provided, no contract be thereby violated.

XI. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of heavy draught used upon the streets of said city; provided, however, that this section shall not apply to vehicles coming into and not owned in said city.

XII. To require spirituous liquors, wines, oils, molasses, vinegar, and spirits of turpentine, in casks, to be gauged and inspected; and may make such provision for the weighing of hay, fodder, oats, shucks, or other long forage, as will not be in conflict with the act passed the twenty-second of March, eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax on the bales of hay sent by the farmers of the State to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

XIII. To require every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights or measures to be sealed by the city scaler, and to be subject to his inspection; and may impose penalties for any violation of any such ordinance.

XIV. To grant aid to military companies and regiments organized within the city; to societies or associations for the advancement of agricultural and the mechanic arts; to scientific, literary, and benevolent societies; provided, such societies or associations are located in or near the city, or, in the case of agricultural societies, shall hold their fairs in or near the city; and to provide or aid in support of public libraries and public schools.

1897-8
p. 543.

XV. To secure the inhabitants from contagious, infectious or other dangerous diseases; to establish, erect and regulate hospitals; to provide for and force the removal of patients to said hospitals; for the appointment and organization of board of health for said city, with the authority necessary for the prompt and efficient performance of its duties; to authorize the supervision by a city official of the construction and maintenance of all water and sewerage pipes, traps and other fixtures, and to require the use of such pipes, traps and other fixtures as the city council or its duly authorized official or committee may deem proper as sanitary measures; for the prescribing of the duties of the coroner of the city of Richmond, who shall be appointed, as provided under the general statutes of the State, by the judge of the hustings court, but who shall receive, instead of fees, a salary to be determined by the city council, and to be paid by the city; provided, the salary of the said coroner shall not be less than two thousand dollars. He shall be a physician of not less than five years standing, and shall also be a chemist. He shall hold all the inquests and make all post mortem examinations without the assistance of any medical experts, for whose assistance the city may be liable, without the consent of the mayor.

XVI. To provide, in or near the city, lands to be appropriated, improved, and kept in order, as places for the interment of the dead, and may charge for the use of ground in said places of interment, and may regulate the same; may prevent the burial

of dead in the city, except in the public burying-grounds; may regulate burials in said grounds, and may require the keeping and return of bills of mortality by the keepers or owners of all cemeteries.

XVII. To establish a quarantine ground for the city; but if said ground shall extend below the eastern boundary of the city on the river, the assent of the county court of Henrico shall be first obtained.

XVIII. To require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent or regulate slaughter-houses and soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business, trade or employment therein, and to regulate the transportation of coal and other articles through the streets of the city.

XIX. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such ground to be filled up, raised, or drained, or may cause such substances to be covered or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes, levied upon real estate for the benefit of said city, are authorized to be collected; provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than four weeks in any newspaper printed in said city.

XX. To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale or use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns, stables, and other buildings, and to restrain the making of bon-fires in streets and yards.

XXI. To prevent hogs, dogs, and other animals from running at large in the city, and may subject the same to such confiscations, regulations and taxes, as they may deem proper; and the council may prohibit the raising or keeping of hogs in the city.

XXII. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing stones, or the engaging in any employment or sports in the streets or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse of animals.

XXIII. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

XXIV. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gaming-houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year.

XXV. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, to be drunk in any canal-boat, store, or other place not duly licensed; and to forbid the selling, or given to be drunk, any intoxicating liquors to any child or young person without the consent of his or her parents or guardian; and for any violation of any such ordinance, may impose fines in addition to those prescribed by the laws of the State.

XXVI. To prevent the coming into the city, from beyond the limits of the State, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city; and for this purpose may require any railroad company, or the captain or master of any vessel bringing such passengers to Richmond, to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year, or may compel such company, captain, or master to take them back from whence they came, and compel the persons to leave the city if they have not been in the city more than thirty days before the order is given.

20. Where, by the provisions of this act, the city council has authority to pass ordinances on any subject, they may prescribe any fine or penalty, not exceeding five hundred dollars (except where a fine or penalty is herein otherwise provided for), for a violation thereof, and may provide that the offender, on failing to pay the fine penalty imposed, shall be imprisoned in the jail of the said city for any term not exceeding three calendar months. Such imprisonment may be ordered to be with or without labor; when ordered to be with labor the council may by ordinance declare what kind of labor shall be done for the city by such offenders either at said jail or elsewhere in the said city. And the city council may subject the parent or guardian of any minor, or the master or mistress of any apprentice, to any such fine for any such offence committed by such minor or apprentice. From any fine or imprisonment imposed an appeal lies to the hustings court of the city as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid, the police justice, if he shall not order the party to be imprisoned in the city jail, may, unless an appeal be taken forthwith, issue a writ of fieri facias for said fine, directed to the sergeant of the city. Such writ must be made returnable to the said police justice within sixty days from its issuance.

21. No ordinance hereafter passed by the city council for the violation of which any penalty is imposed shall take effect until the same shall have been published for five days consecutively in one of the daily newspapers of said city, to be designated by the said council; provided, however, that the requirement shall not apply to an ordinance merely granting to a person some individual right or privilege, nor to any ordinance re-ordained, or amended or re-ordained in or by compilation or codification of said ordinances. A record or entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations, and ordinances of the city council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either from a copy thereof certified by the clerk of said city, or from the volume of ordinances printed by the authority of the city council.

1874.
p. 230.

22. The council shall not take or use any private property for streets or other public purposes, without making to the owner or the owners thereof just compensation for the same. But in all cases where the said city cannot by agreement obtain a title to the ground necessary for such purposes, it shall be lawful for the said city to apply to and obtain from the circuit or county court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lies within this city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

23. In every case where a street or alley in said city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the council, they may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charges therefor, with costs, by the same processes that they are hereinafter empowered to collect taxes; provided, however, that in any case where a street or alley, as originally laid out or established, has been encroached upon by any building for a period of twenty years, the part of the street so encroached upon and actually occupied by said building shall not be reclaimed or taken possession of by said city for the public as a street or alley until said building shall be rebuilt, or destroyed, or removed, or until the front of the building shall be removed or rebuilt. Hereafter the said city shall have the right to sue in ejectment to recover possession of land claimed by her as a public highway.

1883-4.
p. 494.
1891-2.
p. 660.

24. Whenever any street, alley, or lane shall have been opened

to and used as such by the public for the period of five years, the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or sub-division into lots of any portion of the territory within the corporate limits of the city, by a plat or plan of record, shall be deemed and held to be dedicating to the public use; and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between, or release of interest by, the persons owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street as to divest the interest of the public therein, or the authority of the council over the same.

1895-6,
p. 197.

24 a. That the city of Richmond shall have the control and management of Grove avenue from the western limits of said city to the Soldiers' Home, and of said boulevard from the Broad street or Mountain road to said reservoir, and of the city's grounds contiguous thereto; and that said city of Richmond shall have the power to make such ordinances, orders and regulations relating to the said avenues and grounds as it may deem proper and necessary; but the citizens of the county shall have the same privileges as the city of Richmond.

1895-6,
p. 520.

24 b. That the city of Richmond shall have the control and management of the Broad street road from its intersection with the boulevard leading to Grove avenue to the western limits of said city, and that said city of Richmond shall have the power to make such ordinances, orders and regulations relating to the said road as it may deem proper and necessary; but the citizens of the county shall have the same privileges as the city of Richmond.

25. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other public improvement whatsoever made, the city council may determine what portion, if any, of the expenses thereof ought to be paid from the public treasury, and what portion by the owners of real estate benefitted, or may order and direct that the whole expense be assessed upon the owners of real estate benefitted thereby. But no such public improvement shall be made, to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of all the council shall concur in voting any improvement to be expedient, or in determining to make the same after allegations have been heard; in which case, no petition or request shall be necessary. The council shall have the same

powers to collect such local assessments for improvements as are hereinafter vested in them for the collection of taxes.

26. The city council shall grant and pay to all city officers, clerks, and assistants, elected or appointed under or in pursuance of this act, such salaries or compensation as the said city council may from time to time deem proper, or shall be fixed by this or any other act of assembly hereafter enacted.

27. If any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the city clerk, or within such time thereafter as the city council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with cost. And all books, records, and documents used in any such office, by virtue of any such provision of this act, or of any ordinance or order of the city council, or any superior officer of said city, shall be deemed the property of said city and appertain to said office, and the chief officer thereof shall be responsible therefor.

CHAPTER IV.

CITY OFFICERS.

28. There shall be one auditor, one city treasurer, one collector of city taxes, one commissioner of the revenue, one city attorney, one city engineer, one city clerk, and such clerks and assistants as the city council may see fit, by ordinance, to prescribe and furnish.

29. The council may appoint such officers and clerks as they may deem proper, in addition to those herein provided for, and define their powers and prescribe their duties and compensation, and may take from any of the officers, and so forth, appointed, bonds, with sureties, in such penalties as the council may see fit, payable to the city by its corporate name, with condition for the faithful performance of said duties. All officers appointed by the council may be removed from office at its pleasure. In case of vacancies occurring in any municipal office, when it is not herein otherwise provided, the city council shall elect a qualified person to fill such office during the unexpired term.

30. The parties to bonds taken in pursuance of the preceding section, their heirs, devisees, executors and administrators, shall be subject to the same proceedings on the said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of the city of Richmond, or any other courts held in the city which may succeed to the civil common-law jurisdiction of said court, that collectors of the

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county levy and their securities are or shall be subject to, on their bonds, for enforcing payment of the county levies.

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31. The city auditor shall be elected by the qualified voters of the city of Richmond. He shall hold his office for the term of two years, and until his successor be elected and qualify, unless sooner removed. He shall hold his office in such place as may be designated and prescribed by the city council. He shall give bond, with sureties, to the amount of not less than thirty thousand dollars, which shall be determined by the city council, before he enters upon the duties of his office; said bond to be approved by the said city council, entered on their record, and filed in the office of the city clerk. The said auditor shall open, and keep in a neat and methodical manner, a complete set of books, under the direction of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things, kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

32. The said auditor shall be charged with and exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to the said city, except such as are confined to the custody of the city clerk, and such other papers as may be committed to his care by the city council, by ordinance or otherwise.

33. The said auditor shall have power to examine all accounts, claims, and demands for or against the said city; and no money shall be drawn from the treasury or paid by the city to any person, except as herein otherwise provided, unless that balance due or payable be first settled and adjusted by the said auditor; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have, and is hereby clothed with, full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons, whom he may think proper to examine as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented; and the person so sworn shall, if he swears falsely, be guilty of wilful and corrupt perjury, and be subject to punishment by imprisonment in the penitentiary for not less than one nor more than five years.

34. All money found to be due and payable by the said auditor to any person, shall be drawn by said auditor by warrant on the treasurer, stating the particular fund or appropriation

to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the warrant of the auditor, as aforesaid. But the auditor is forbidden to issue his warrant for the payment of any money in excess of the appropriation on account of which said money is drawn.

35. It shall be the duty of said auditor, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts; he shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make adjustment of his accounts, when required as aforesaid, and to pay over such moneys so received, it shall then be the duty of said auditor to issue notice in writing, directed to such officer and his securities, requiring him or them, within ten days, to make settlement of his said account with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the said city, according to the books of said auditor; and in case of the refusal or neglect of such officer to adjust his said accounts or pay over said balance to the treasurer, as required, it shall then be the duty of said auditor to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office, proceed forthwith to institute the necessary proceeding for the removal of such officer from office, and immediately on his removal, institute suit in the name of said city against him and his securities to recover the balance of moneys so found to be due and in his hands belonging to said city.

36. The auditor shall make out an annual statement, as soon as possible after the end of each fiscal year, giving a full and detailed statement of all the receipts and expenditures during the said year. The said statement shall also detail the liabilities and expenditures during the year, the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amounts in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

37. The auditor shall annually submit to the city council, at their first stated meeting after the beginning of the fiscal year, a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year. He shall in said report class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he

is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement, and the probable expense thereof, of contracts already made and unfinished, and the amount of unexpended appropriations of the preceding year. He shall also in such report show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

38. In addition to the other duties of the said auditor, it is hereby made his duty, on the last day of each and every month, to make out a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn for by warrant by him, and on what account the same has been paid; and shall deliver said statement to the said city council at their next meeting, to be filed, after the adjournment of said council, by the city clerk with the papers belonging to his office.

39. There shall be elected by the qualified voters of the city of Richmond, in the same manner as is provided hereinbefore for the election of mayor of said city, at the first charter election, and every three years thereafter, one city treasurer, who shall hold his office for the term of three years, and until his successor be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than one hundred thousand dollars; said bond to be approved by the city council, entered on their records, and filed in the city clerk's office.

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40. The said treasurer shall receive all moneys belonging to the city, and shall keep his office in some place designated by the council. He shall have the custody of the corporate seal. He shall keep his books and accounts in such manner as the city council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the city council, or any committee or committees thereof.

41. No moneys shall be paid out by the treasurer except upon the warrant of the auditor, issued as hereinbefore provided, and he shall keep a separate account of each fund or appropriation, and the debits or credits belonging thereto.

42. All moneys to be paid into the treasury of the city, except the bills for gas and water, and such other assessments as the city council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer, in the following manner: A warrant shall first be obtained from the auditor, directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon the payment of the money to the treasurer he shall give a re-

ceipt for the same, which shall be carried to the auditor, and his receipt therefor shall be the acquittance of the party making the payment. Bills for gas and water, and such other assessments as the city council may so ordain, shall be paid directly to the treasurer, who shall keep an account thereof, and make daily reports of such receipts to the auditor.

43. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the auditor, showing the state of the treasury at the date of such account, and the balance of moneys in the treasury. He shall also, if required so to do by the auditor, accompany such account with a statement of all moneys received into the treasury, and on what account, with a list of all warrants redeemed and paid by him during the month.

44. The treasurer shall also report to the city council, at the end of each fiscal year, and oftener, if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the city council, by a committee thereof, who shall examine and compare the same with the books of the auditor, and report discrepancies, if any, to the city council.

45. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment for which the assessment was made; and said money shall be used for no other purpose whatsoever.

46. The treasurer may be required to keep all moneys in his hands belonging to the city, in such place or places of deposit as the city council may by ordinance provide, order, establish, or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money, or warrants in his custody and keeping, for his own use and benefit, or that of any person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office. In case of his removal, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the remainder, if any, of the unexpired term of the officer removed.

47. There shall be elected by the qualified voters of the city of Richmond one collector of the city taxes, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than fifty thousand dollars—said bond to be approved by the city

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council, entered on their records, and filed in the office of the city clerk.

48. Said collector shall collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed or ordained by the city council. He shall keep his office in such place as may be designated and prescribed by the city council, and shall keep in his said office, besides his collection and revenue warrants, such other books, vouchers, records, and accounts as the city council may direct and prescribe; all of which shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof.

49. The said collector shall make report in writing, under oath, to the auditor, weekly, or oftener if required, the amount of all moneys collected by him, and shall pay the same into the city treasury in the manner hereinbefore provided. At the end of each fiscal year he shall submit to the city council a statement of all moneys by him collected during the year, and the particular warrant, assessment, or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the auditor, and a copy of such statement shall also be filed with the auditor of said city.

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50. The said collector is expressly prohibited from keeping the money of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same into the city treasury, and any violation of this provision shall subject him to immediate removal from office.

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51. It shall be the duty of the said collector, on the first Monday in July of the year eighteen hundred and eighty-six, and on the first Monday in February of each succeeding year, to turn over to the auditor of the city all bills, assessments, and accounts for all preceding years upon which there shall then remain unpaid any part of any tax or assessment due the city; and, thereupon, the said auditor shall turn over the same to the officer of the city who shall be chosen by the city council, and known as the collector of delinquent taxes. The said collector of delinquent taxes shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall perform such duties, and receive such compensation, and give such bond as may be prescribed by the city council, the said bond not to be for a sum less than five thousand dollars. It shall be the duty of said collector of delinquent taxes to conduct all the proceedings, and render all the service necessary, to perfect the sale and transfer of real estate in said city, where the same shall be sold or advertised for sale, for the non-payment of any tax or assessment imposed by the city council, as hereinafter provided. The said collector of delinquent taxes shall have the same

powers to collect, by the same means and processes, all bills, assessments, and accounts delivered to him as are also conferred by the said charter upon the collector of towns.

52. The said collector may, with the consent of the city council, appoint a deputy or deputies, who may be removed from office by the said collector, by the mayor, or by the city council. During the continuance in office of the said collector, a deputy of his may discharge any of the duties of the office of collector; but the collector and his sureties shall be liable therefor.

53. If the said collector shall receive any money for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards sell the same, at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his deputy, he and his sureties shall be liable to the holder of the certificate given to the purchaser at the sale for double the amount on the face of the certificate, to be demanded within three years from the date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

54. There shall be elected by the qualified voters of the city of Richmond one commissioner of the revenue, who shall hold his office for the period of two years, and until his successor shall be elected and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars; said bond to be approved by the city council, entered on their record, and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue, the city council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled by election for the unexpired term.

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55. The said commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying city taxes that may be ordered by the city council. He shall keep his office in such a place as may be designated and prescribed by the city council, and shall keep therein such books, schedules and records, and in such manner, as the mayor and city council may direct and prescribe; which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the city council, or any committee or committees thereof, and of the collector of city taxes.

56. To aid the commissioner of the revenue in his duties, the clerks of the several courts of the city of Richmond and of the county of Henrico shall, as required respectively, deliver to him such lists as are mentioned in the seventh and eighth sections of the thirty-fifth chapter of the Code of Virginia of eighteen hundred and sixty, as far as may relate to lands in said city.

57. As soon as said commissioner of the revenue shall have ascertained the value of all real and personal property taxable in said city, he shall make complete schedules of the same, and leave them in his office open to the inspection and examination of all persons interested therein; and he shall give notice by six day's publication in two of the daily newspapers of said city of the time and place, when and where such inspection and examination may be made. Said schedules shall be kept open for the period of ten days from the time of the first publication of such notice, so that any person feeling aggrieved by the assessment of his or her property may appear and make his or her objection. The said commissioner of the revenue shall hear and consider all objections which may be made, and shall have the power to alter, add to, take from, and otherwise correct and revise his assessment; and he shall have power to examine any person on oath as to the value of his personal property, and also to examine under oath such other persons as witnesses in relation thereto as he may deem proper, and for that purpose may administer oaths and issue process to compel the attendance of witnesses before him. Any person feeling aggrieved at the decision of the said commissioner of the revenue may appeal to the city council, whose decision shall be final. Any person who shall refuse to make under oath a full disclosure of all the facts necessary to enable said commissioner of the revenue to make a fair and just assessment of his personal taxable property, when duly called upon by said commissioner of the revenue so to do, or to answer such questions as may be put to him in relation thereto, shall be assessed a gross sum, in the judgment of the commissioner of the revenue, double the correct assessment of his personal taxable property.

58. The said commissioner of the revenue may, with the consent of the city council, appoint an assistant or assistants, who may be removed from office by the said commissioner, by the mayor, or by the city council. During the continuance in office of the said commissioner, an assistant of his may discharge any of the duties of the office of commissioner; but the commissioner and his sureties shall be liable therefor.

59. The city council shall appoint a suitable and proper person, who shall be the attorney and counsel for the corporation, who shall hold his office for the term of two years, unless sooner removed, and until his successor shall be appointed and qualify. He shall receive such compensation as the council may determine, to be paid by the city. Said attorney shall have the management, charge, and control of all the law business of the corporation and the departments thereof, and of all the law business in which the city shall be interested; shall draw all leases, deeds, and legal papers for the same, and be the legal adviser of the mayor, city council, or any committee thereof, and of the several departments of said cor-

poration; and when required, shall furnish written opinions upon any subjects involving questions of law submitted to him by them. He shall appear as counsel for the said corporation in any civil case in which it is interested, depending in any court in the city of Richmond; and when the constitutionality or validity of any ordinance is brought in issue in any penal prosecution, or when the mayor shall direct a prosecution for nuisance, he shall appear for the prosecution when the case shall come into court. He shall perform such other duties as are or may be required of him for the city by any ordinance or resolution of the city council.

60. He shall have power and authority, from time to time, during his continuance in office, with the consent of the mayor, to authorize an attorney or other person to appear for him in his name and on behalf of said corporation, and conduct and defend suits and proceedings in all courts and places.

61. Said attorney for the corporation shall keep his office in such place as the city council may direct, and shall keep therein a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such causes; and said docket shall at all times be open to the inspection of the mayor, the members of the city council, and the city auditor.

62. There shall be appointed by the city council one engineer for the city, who shall hold his office for the period of two years, and until his successor shall be appointed and qualify, unless sooner removed from office. He shall give bond, with sureties, to the amount of not less than five thousand dollars, said bond to be approved by the city council and filed in the office of the city clerk.

63. The said engineer shall have such assistants and clerks as the city council may allow and approve; but such assistants or clerks may be removed at any time by the mayor or by the city council.

64. The said engineer shall be the general superintendent of the streets, culverts, public buildings, and all public improvements. He shall make such surveys, reports, drawings, plans, specifications, and estimates as the city council may require of him, and do, in relation thereto, whatever else it may direct. All surveys or other acts, which shall be made or done by said engineer, shall be as valid and effectual as if the same were done by a surveyor of a county. He shall keep his office in such place as the city council may direct, and shall keep therein all maps, drawings, and papers pertaining to his office. He shall keep a record of all his proceedings, and a set of books, in which shall be entered, under appropriate heads, the receipts and expenditures of his department; and all the books and papers of his office shall be open at all times to the inspection of the mayor, to the members of the city council, or to any committee or committees thereof.

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65. There shall be one city clerk appointed by the city council, who shall hold his office for the period of two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council.

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66. The said city clerk shall attend the meetings of the common council, and keep a record of its proceedings. He shall keep all papers that by the provisions of this act, or by the direction of the city council, or either of its branches, are required to be kept or filed with him. It shall also be his duty to make and present to the mayor a transcript of every ordinance, resolution or order passed by both of the branches of the city council. He shall likewise transmit to the auditor a transcript of all ordinances, resolutions or orders appropriating money, or authorizing the payment of money, the issue of bonds or notes; and to the heads of all departments of the city government all ordinances, resolutions or orders relating to their departments. He shall likewise give information to parties presenting communications or petitions to the city council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the city council are required by this act to publish, and such other reports and ordinances as the said council may direct, and shall, in general, perform such other acts and duties as the city council, or either branch thereof, may from time to time require of him.

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66. *a.* As soon as practicable after the organization of the new council, on the first day of July, eighteen hundred and eighty-eight, and as soon as practicable after the organization of each council elected for the city of Richmond every two years thereafter, the president of the board of aldermen shall appoint two members, and the president of the common council three members, from their respective bodies, who, together with five citizens (of whom two shall be appointed by the board of aldermen and three by the common council), and the president of the common council (who shall be chairman ex-officio), shall constitute a board, to be called the board of public interests of the city of Richmond.

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66. *b.* It shall be the duty of said board to take into consideration all works of internal improvements in existence, or which may be projected from time to time; to look after the commercial, industrial, and manufacturing interests of the city; to watch over and take care of its connections, means of transportation and communication with the rest of the country, and to make such reports and recommendations to the city council as will in their opinion best subserve the different interests of the city of Richmond.

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66. *c.* There shall be a meeting of this board at least once a month, and as much oftener as it shall deem proper.

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66. *d.* In case of any vacancy in the board from any cause, it shall be filled by the board from the class in which the vacancy occurred.

65 c. The board of public interests of said city, as existing by city ordinance January first, eighteen hundred and eighty-eight, shall be and remain as then organized until their successors are elected and qualified as provided by this act.

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CHAPTER V.

FINANCES.

67. The city council may, in the name and for the use of the city, contract loans or cause to be issued certificates of debt or bonds; but such loans, certificates or bonds shall not be irredeemable for a period greater than thirty-four years; provided, however, that they shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock or appropriating money or loans for the benefit of any company incorporated for a work of internal improvement, or other purposes, without first being authorized so to do by three-fourths of the legal voters of the city voting on the question; and, also, by a majority of the registered freeholders of the city; and the council shall, when such debt or loan is created, provide a sinking fund for the payment of the same. Neither shall the city endorse the bonds of any such company, without the same authority; provided, however, that the said council may issue, or cause to be issued, bonds for other purposes than that for railroad or internal improvement companies, but the bonds or interest-bearing debt of the city of Richmond shall not, in the aggregate, exceed eighteen per centum of the assessed value of the taxable real estate of said city; and any excess of such bonded or interest-bearing debt over and above the limit herein prescribed, which may be created or issued in violation of this provision, shall be void as to said city; and provided, further, that the council, if authorized by a majority of the registered freeholders of the city, voting on a day to be fixed by the council, may purchase the property and franchises of the James River and Kanawha Company, or any part thereof, and issue bonds, contract loans, or cause to be issued certificates of debt or bonds to an amount sufficient to raise the money to pay for the same; and the amount of debt which may be contracted for that purpose shall not be included in the said aggregate debt limited to eighteen per centum of the assessed value of the taxable real estate of the city. And in case such purchase shall be made of the entire property, rights, and franchises which would pass on the foreclosure of any mortgage on the same, the city of Richmond shall not only succeed to the franchises, rights, and privileges provided for by the forty-fourth and forty-fifth sections of chapter sixty-one of the Code of eighteen hundred and seventy-three, and be regulated thereby, but shall, also, have the right to exercise all the franchises, rights, and privileges

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1878-9.
p. 92.

which may have been granted at the date of such purchase to any internal improvement company, with a view to the construction of a railroad along the lines of the James River and Kanawha canal to Clifton Forge and Lexington; and, in any organization which may follow such purchase, the city shall be at liberty to retain as her own such part of said property, rights, and franchises as she may deem advisable.

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p. 455.
1897-8,
p. 544.

68. There shall be set apart annually, from the accruing revenues of the city, a sum not less than one per centum of the city debt existing at the commencement of this act. The fund thus set apart shall be called a sinking fund, and shall be applied to the payment or purchase of the principal of the city debt. If no part be redeemable, then the residue of the sinking fund shall be invested in the bonds or certificates of debt of the city, and applied to the payment of the city debt as it shall become redeemable. Whenever hereafter there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart annually for thirty-four years, or until the debt is paid, a sum exceeding by one per centum the aggregate amount of the annual interest agreed to be paid thereon at the time of the contract, which sum shall be applied and invested towards the payment of such debt in the same manner as hereinbefore provided for the present existing debt of the city. The committee, board, or city officials, having charge of the sinking fund under the authority of the city council, may invest the funds of the sinking fund not only in bonds of the city but also in those issued by the State of Virginia or by the United States. Such committee, board or city officials shall make to the city council quarterly detailed statements of all the transactions of the board setting forth the amount and character of their assets, investments, transfers, issues, exchanges or other business of whatever character, including a statement of what, if any, be due by the city. The purchases made of the city bonds may be made directly from the city.

69. For the execution of its powers and duties, the city council may raise, annually, by taxes and assessments in said city, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient, in accordance with the laws of this State and the United States; provided, however, that they shall impose no tax on the bonds of said city, nor on any capital invested in real estate or employed in manufacture outside the city limits, although the person or persons engaged in said business or manufacture have a place of business in said city. Neither shall they impose any tax at the same time upon the stock of the corporation, and upon the dividends thereon; nor upon any capital, interest, income, or dividends when a license or other tax is imposed upon the business in which the capital is employed, or upon the principal money, credit, or stock from which the interest, income or dividend is derived. Said taxes

shall be equal and uniform upon all property, both real and personal. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

70. The city council may grant or refuse licenses, and may require taxes to be paid on such licenses, to agents of insurance companies whose principal office is not located in said city; to auctioneers; to public, theatrical, or other performances or shows; to keepers of billiard tables, ten-pin alleys, and pistol galleries; to hawkers and pedlers in the city, or persons to sell goods by sample therein; to agents for the sale or renting of real estate; to commission merchants, and all other business which cannot be reached by the ad valorem system under the preceding section. They may also grant or refuse such license to all sellers of wine or spirituous or fermented liquors, and require taxes to be paid on such license, in addition to other taxes imposed.

71. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in the city for hire, and may require the owners or keepers of wagons, drays, and carts, using them in the city, to take out a license therefor, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and prescribe their fees and compensation.

72. The council may vest in the collector of the city taxes, and of assessments for the use of water, gas, or other purposes, any or all of the powers which are now or may hereafter be vested in a sheriff as collector of the State taxes; may prescribe the mode of his proceeding, and the mode of proceeding against him for the failure to perform his duties.

73. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon; and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

74. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent, and where any tax is paid by a fiduciary on the interest of profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate.

75. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they are assessed. The city council may require real estate in the city delinquent for the non-payment of taxes, to be sold for

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1877-8,
p. 33.

said taxes, with interest thereon at the rate of six per centum per annum, and such percentage as they may prescribe for charges. Such real estate shall be sold, and may be redeemed under the provisions hereinafter made.

1885-6,
p. 244.

76. The collector of delinquent taxes shall, under the direction of the city council, cause a notice of the time and place of such sale to be published in all the daily newspapers published in said city, at least ten days previous to such sale; and he shall also cause to be published, in one or more of said daily papers, on some day, not more than twenty days nor less than ten days previous to such sale, a list of the several parcels of real estate so to be sold, in the same manner as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment thereon.

1885-6,
p. 244.

77. If such tax or assessment, and the percentage, interest and expenses aforesaid be not paid previous to the day for which said sale was advertised, or on some day immediately thereafter, to which said sale may be adjourned, the collector of delinquent taxes shall proceed to make sale accordingly of the said several parcels of real estate, or so much thereof as may be necessary, to the highest bidder; and the sale may be adjourned from day to day until it shall be completed. On such sale the collector of delinquent taxes shall execute to the purchaser a certificate of sale, in which the property purchased shall be described, and the aggregate amount of the tax or assessment, with charges and expenses specified; but the collector of delinquent taxes shall not for himself, either directly or indirectly, purchase any real estate so sold.

1885-6,
p. 244.

78. If at any such sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and charges, then the same shall be struck off to the city. On such sale the collector of delinquent taxes shall execute to the city a certificate of sale, in which the property purchased shall be described, and the aggregate amount of tax or assessment, with charges and expenses specified, and shall deposit such certificate with the auditor.

79. The owner of any real estate so sold, his heirs or assigns, or any person having a right to charge such real estate for a debt, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the amount for which the same was sold, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns; or, if purchased by the city, with such additional sums as would have accrued for taxes thereon if the same had not been purchased for the city, with interest on the said purchase money and taxes at the rate of twelve per centum per annum from the time that the same may have been so paid; or the same may be paid within the said two years to the city treas-

urer in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the city of Richmond.

80. Any infant, married woman, insane person, or person imprisoned, whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years after the removal of the disability, the amount for which the same was so sold, with the necessary charges incurred by the purchaser, his heirs or assigns, in obtaining the title under the sale, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items, at the rate of twelve per centum per annum from the time the same may have been paid. Upon such payment within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate so sold.

81. The purchaser of any real estate, sold for taxes and not redeemed, shall, after the expiration of two years from the sale, obtain from the city auditor a deed conveying the same, wherein shall be set forth what appears in his office in relation to the sale. When the purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or by a writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the court of hustings of said city to order the auditor to execute a deed to such heirs or assigns.

82. When the purchaser of any real estate, sold for taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused the same to be recorded, such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appear on the face of the proceedings. And if it be alleged that the taxes, for the non-payment of which sale was made, were not in arrear, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

83. In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city auditor shall, within sixty days after the expiration of two years from the sale, cause to be recorded such certificate of sale with his oath that the same has not been redeemed, and thereupon the said corporation, or their assignees, shall acquire an absolute title to the same in fee. The said certificate may be acknowledged, proved, and recorded in the

same manner that deeds are recorded, and the said certificate, or the record thereof, or a copy of said record, duly authenticated, shall in all courts and places be presumptive evidence of the facts therein stated, and of the regularity and correctness of such sale, and of all proceedings prior thereto.

CHAPTER VI.

POLICE AND FIRE DEPARTMENTS.

1869-70,
p. 455.

1876-7,
p. 214.

1878-9,
p. 363.

1887,
Extra
Session,
p. 376.

1897-8,
p. 514.

84. The police department of the city of Richmond shall be under the general control and management of police commissioners thereof, who shall consist of the mayor and six citizens, of whom one shall reside in each ward: any four of whom shall constitute a quorum. The mayor shall be ex-officio president of the board, and shall preside at its meetings, and shall have a vote in case of tie. In his absence the other members may elect a president pro tempore. As the terms of the commissioners shall expire the vacancies in the board thus created shall be filled by election in the month of July of each year by the two branches of the city council in a joint session for a term of six years. But no person shall be elected who does not receive a majority in each branch of the council of all the members elected to such branch. The said board shall adopt rules and regulations for the government thereof; it may establish, promulgate, and enforce proper rules, regulations, and orders for the good government of the police force; and in any investigation pertaining to their duties, shall have power to send for persons and papers, by their president to administer oath; provided, that said rules and regulations shall not in any way conflict with an ordinance of the city council. The members of the said board may be removed at any time by a vote of two-thirds of the city council elected, for good cause, upon proper charges and specifications made and proved. If any member shall resign, cease to be a voter, or a candidate for any office, federal, State, or municipal, there shall be at once a vacancy in said board, which shall be filled as aforesaid; and when any member of the police commissioners is named as an applicant or candidate, or as proper to be supported as a candidate for any office, or proper person to receive such office, the president shall, or any member of the said board may, notify him that his name is mentioned in connection with such office; and if said member does not, within ten days after the receipt of such notice file with the president of the board his statement in writing that he is neither candidate nor applicant for such office, that he will not serve, nor accept it if elected or appointed, the said board will declare his place vacant, which will be filled in the manner hereinbefore prescribed. When vacancies are filled for any cause other than expiration of term they shall be filled only by the council for the unexpired term.

85. The said commissioners, after taking the oath of office as such commissioners, shall meet at the office of the mayor, or other suitable place, at such time as may be expedient, and as they shall, from time to time, designate, and on special occasions as the mayor may, in writing, appoint. They shall perform the duties of said office without any compensation, reward, or salary therefor from said city, except that nothing herein shall in any way conflict with the payment of the salary elsewhere provided to be paid to the said mayor for his services in his office, and except that the members of the board shall be exempt from all duties on juries.

86. The police force of the city shall be appointed by the board of police commissioners as vacancies occur, and as herein provided. The said force shall consist of a chief of police, surgeon of police, and as many officers and privates as the city council may by ordinance prescribe, except that the force, officers and privates shall not be reduced below its present number. The present police force shall hold their positions for the terms for which they were appointed, and as the said terms shall expire, new appointments shall be made by the said board of police commissioners. All new appointments, including the chief, shall be for three years. The pay of the police shall be fixed by the city council by ordinance. The chief of police shall be responsible for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations, and orders of the board of police commissioners authorizes orders to be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended, or fined by the board of police commissioners upon proper cause shown, and in cases where a fine is imposed, may order the same to be deducted from his pay. The board of public interests shall remain as now constituted by ordinances of the said city, and the police commissioners appointed by or elected under this act shall continue in office until their successors shall be duly elected and qualified.

87. In time of exigency said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may appoint temporarily without authority from the city council a suitable number of additional policemen for such time as shall appear necessary, not, however, to extend beyond the next meeting of the city council. The mayor may confer police powers upon the clerks of the markets and their deputies, keepers of parks and cemeteries and their subordinates, watchmen and custodians of the city reservoirs, and janitor or superintendent of the city hall and his subordinates, and such other officers or employees and their subordinates, of the city as shall have custody of any other piece or part of the city's property so as to authorize them to prevent any violation of any law or city ordinance, within or upon such

1878-9,
p. 364.

1869-70,
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1876-7
p. 216.

1878-9,
p. 364.

1887,
Extra
Session.
p. 377.

1878-9,
p. 365.

1891-2,
p. 660.

1895-6,
p. 482.

pieces or parts of the city property as may be under their charge or custody, and to prevent any injury or damage from being done to such pieces or parts of the city property; and the bailiff of the police court shall have police powers when acting under the orders of the police justice of the city.

1878-9,
p. 365. 88. The mayor, at any time, upon charges being preferred or upon finding said chief or any other member of said police force guilty of misconduct, shall have power to suspend such member from service, until the board of commissioners shall convene and take action in the matter; provided, however, that such member shall not remain so suspended for a longer period than thirty days without an opportunity of being heard in his defence; and upon hearing the proofs in the case, a majority of said commissioners may discharge, suspend, or fine, or restore such chief or member, in accordance with the decision of the majority of such board thereon; and the pay or salary of such member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the city clerk; and any violation of the rules, regulations, or orders of the board, or orders of any superior, shall be good cause for dismissal, suspension, or fine.

1878-9,
p. 366. 89. The salary or pay of said chief and policemen shall be determined by the city council, and the pay-roll and all bills of expense on account of the police department shall be audited and approved by the chairman of the committee on police before payment.

1878-9,
p. 366. 90. The said chief of police, and every policeman duly appointed as aforesaid, shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission; and he shall take such oath as the city council may ordain, and subscribe the same in a book to be kept for that purpose by the said city clerk.

1878-9,
p. 366. 91. The said chief of police and policemen shall generally have power to do whatever may be necessary to preserve the good order and peace of said city, and to secure its inhabitants from personal violence and their property from loss and injury. Such members of the said police force as the police commissioners may designate, shall, in criminal cases, have the same powers and duties, and be subject to the same penalties that are prescribed by law as to constables. All fees and allowances arising from the exercise of such powers shall be collected by the chief of police, and held subject to the order of the board of police commissioners.

1891-2,
p. 905. 91 *a*. That the jurisdiction and authority of the chief of police of the city of Richmond and other officers and members of the said city police, and of the justices and other judicial officers of said city connected with the administration of its police, be, and the same is hereby, extended to and over the

grounds and the property of the Virginia State Agricultural and Mechanical Society, situated on the extension of Broad street of said city, and to and over the highways and grounds in Henrico county adjacent thereto, not to exceed five hundred yards in any direction; and on the request or with the assent of said Virginia State Agricultural and Mechanical Society, its officers or agents, the said police and other authorities of said city shall have and exercise the full and ilke powers in all respects in and over said extended district as they do now or may hereafter have and exercise within the corporate limits of said city.

92. The said board of commissioners may prescribe such uniform and badges for the police force as they may deem proper, and change the same after six months' notice, and direct in what manner they shall be armed. And if any person, other than a policeman, shall publicly wear such uniform and badges as may be prescribed as aforesaid, he may be subjected to such fine, not exceeding the sum of one hundred dollars, as the city council may advise.

1878-9.
p. 366.

93. Subdivision 1. The fire and fire-alarm departments of the city of Richmond shall be under the direction and control of a board composed of six citizens, voters in said city, of whom one shall reside in each ward; such board to be called the board of fire commissioners of the city of Richmond. As the terms of the commissioners shall expire the vacancies in the board thus created shall be filled by election in the month of July of each year by the two branches of the city council in joint session for six years. But no person shall be elected who does not receive a majority in each branch of the council of all the members elected to such branch. All vacancies except those occurring from expiration of term shall be filled by the council for the unexpired term.

1898-9.
p. 366.
(Repealed.)

1887-8.
p. 231.

1897-8.
p. 545.

II. The members of the first board of fire commissioners elected under this act shall hold their offices for one, two, three, four, five and six years respectively, from the first day of July, eighteen hundred and eighty-eight, and until their successors are elected and qualified in the month of July, eighteen hundred and eighty-nine, and in July in each succeeding year thereafter one member of said board of fire commissioners shall be elected in the same manner as above provided, to fill the vacancy which will then be caused by the expiration of the term of one member. All members thus elected to fill a vacancy caused by the expiration of the term of a member, shall be elected for a term of six years from the time of said expiration. The members of the board of fire commissioners shall not receive any compensation for their services as such. They may be removed from office by a vote of two-thirds of all the members elected to the council for good cause shown; and any member who shall during his term of office be nominated for any office elected by the people, and shall not decline the said nomina-

tion ten days from the time he has notice thereof, shall be deemed ipso facto to have vacated his office.

III. The members of the board of fire commissioners shall meet on the second day of July, eighteen hundred and eighty-eight, at the headquarters of the fire department, or other suitable place, and after taking the oath of office, proceed to organize by electing one of their number president, and by electing a secretary. They shall then proceed to draw lots, and by numbers, for the term of office that each shall serve—that is to say, the member drawing the lowest number shall serve one year; the one drawing next lowest number, two years; and so on until each member shall have designated his term by the number drawn by him. Four members of the board shall constitute a quorum for the transaction of business. Each member of the board shall be entitled to one vote, and the board may determine the manner in which any vote may be taken on any subject brought before it. The said board shall have power to elect a president pro tempore, to serve in the absence, or in case of the temporary disability of the president.

1897-8,
p. 545.

Subdivision IV. The force of the police department of the city of Richmond shall be appointed by said board of fire commissioners as herein provided. The said force shall consist of a chief engineer, one or more assistant engineers, and a secretary, and as many foremen, station-men, hose-men and ladder-men as from time to time may be required, in the opinion of the said board, except that the total number of the force shall not be increased, without the consent of the city council, above its present number. The chief engineer, assistant engineers, secretary and other members of the department shall be appointed for a period of three years. The said officers and members of the fire department may be removed by the said board for cause at any time, or such fines or suspensions may be imposed for cause, as the board may deem proper, as hereinafter provided. In any investigation pertaining to duties the board shall have power to send for persons and papers, and by their presiding officer administer an oath. The board of fire commissioners are hereby empowered to prescribe the duties of the chief engineer, assistant engineers, secretary, as well as of other members or employees of the fire department, assigning to them such duties in the department as the board shall deem proper.

V. The board of fire commissioners shall have and exercise fully and exclusively all powers necessary for the government, management, maintenance, and direction of the fire and fire-alarm departments of the city, and the premises and property thereof. All real estate, fire apparatus, hose, implements, bells, and bell-towers, fire-telegraph, and all property of whatever nature in use by the firemen, or fire and fire-alarm departments of the city belonging to said city, shall be under the control of the fire commissioners, and for the use of said departments, but the said property shall remain the property of the city of

Richmond, subject to the public uses of said departments as aforesaid, and for the purposes provided by this act. The said board shall, subject to the other provisions of this act, have full power to provide supplies, horses, tools, implements, and apparatus of any and all kinds incident to or to be used in the control, prevention, and extinguishment of fires, and for fire-telegraph purposes; food and provender for horses of said departments; and to buy, sell, construct, repair, and have the care of the same, and to take any and all such action in the premises as it may deem to be reasonable, necessary and proper. The said board may, with the approval of the city council, increase the number of companies in service as from time to time they may deem necessary.

VI. The said board of fire commissioners shall have exclusive right and power, from time to time, to designate and fix the location of all fire-alarms telegraph, signal and alarm stations in the city, and shall have access to and the control of the same for the purposes of the departments.

VII. The said board of fire commissioners shall, subject to the other provisions of this act, provide such offices and business accommodations as may be requisite for the transaction of the business of the departments. The board of fire commissioners may adopt a common seal and direct its use.

VIII. The city attorney shall be the attorney for the board of fire commissioners, and shall perform such duties, connected with the departments under their control, as are prescribed herein, or as may be properly required of him by the board of fire commissioners.

IX. It shall be the duty of said board of fire commissioners to make such suitable regulations for the government of the officers, men and property of the fire and fire-alarm departments of said city as it may deem necessary and proper for the control and management of the same.

X. No person holding office by appointment of the board of fire commissioners shall be liable to military or jury duty nor to arrest on civil process while in the actual performance of duty in answer to an alarm of fire.

XI. Every member of the departments herein named shall take an oath for the faithful performance of his duties, and subscribe the same before a member of the board of fire commissioners.

XII. The board shall have power, in its discretion, on conviction of a member of the force of any offence against its rules or neglect of duty, or neglect or disobedience of orders, or incapacity or absence without leave, or immoral conduct, or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiture, and withholding of pay for a specific time, or by dismissal from the force.

XIII. The said board shall fix the salaries and compensation of the officers and members of the fire department, but the

aggregate of such salaries and compensations shall not be reduced below the sum appropriated by the city council annually for pay-rolls of the said departments at the date of the passage of this act, and they may be increased only by the city council after recommendation of the said board.

XIV. The said board of fire commissioners shall appoint a superintendent of fire-alarms, and such other employees as the proper working of the fire-alarm department may require, and shall fix their compensation; such compensation to be not less than that paid such employees at the date of the passage of this act, and may be increased only by the council after recommendation of said board of fire commissioners.

XV. It shall be the duty of the board of fire commissioners once in each year, and oftener if necessary, to submit to the city council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the fire and fire-alarm departments, and to request the council to make appropriations accordingly. It shall be the duty of the city council to appropriate annually, upon the recommendation of the board of fire commissioners, such sums of money as said council shall deem sufficient for the proper maintenance of both fire and fire-alarm departments, for pay-rolls, expense, equipment and construction; provided such appropriations shall not be reduced below the sums appropriated to the said fire and fire-alarm departments for the fiscal year eighteen hundred and eighty-seven-eighty-eight. The said board of fire commissioners are authorized and empowered to draw warrants on the auditor of the city to pay claims against said departments, said warrants to be signed by the president of the board or by a president pro tempore, to be appointed by the said board as hereinbefore provided, after the same shall have been approved by the board in regular session.

XVI. It is hereby declared to be unlawful for the board of fire commissioners, or any member thereof, to be personally interested in any contract, purchasers, or sales made for the department under their control; or in any way, directly or indirectly, to receive compensation or profit arising from the performance of the duties of their office, and any member of said board who shall be found guilty thereof shall be punished by a fine not exceeding one thousand dollars or confinement in the city jail not exceeding six months.

XVII. The said board shall keep, in a book to be prepared by them for the purpose, a detailed account of their expenditures, and shall report said expenditures to the city council at its first meeting in the months of January and July of each year, and they shall be at all times prepared to substantiate such expenditures by proper papers and vouchers. They shall also report to the city council at its first meeting in January in each year the condition of the departments under their control, with all information germane thereto and not prejudicial to the service.

XVIII. Nothing in this act shall be construed to interfere in any manner with any contract or agreement that may exist at the date of the passage of this act between the city of Richmond and any railway, telephone or telegraph company in reference to the occupancy of the streets by telegraph or telephone wires.

XIX. The fire and fire-alarm departments of the city of Richmond shall remain as at present organized, until July the second, eighteen hundred and eighty-eight, at which time the said Board of fire commissioners shall proceed to organize the said departments as herein described, and to assume all the powers and duties conferred upon them by this act.

XX. All acts or portions of acts in conflict with this act are hereby repealed.

94. For the purpose of guarding against the calamities of fire, the city council may, from time to time, designate such portions and parts of the said city as it shall think proper within which no buildings of wood shall be erected. They may prohibit the erection of wooden buildings in any portion of the city without permission obtained from them. They may authorize the board of fire commissioners, and the chief of the fire department to permit the erection of wooden buildings in any portion of the city, except such as the council may have designated as portions within which no buildings of wood shall be erected; provided, however, that no building of wood or addition to such a building shall be erected in any square of the city, when and after the owner or owners of at least one-fourth of the ground included therein shall have petitioned the council by a petition filed with the city clerk to prohibit the erection in the said square of buildings of wood unless the outer walls of the building to be erected shall be made of brick and mortar, or stone and mortar or some other fire-proof material, and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition, at the expense of the builder or owner thereof, and if any building shall have been been commenced before said petition can be acted on by the council, or if a building in progress appears clearly to be unsafe, the council may have such building taken down. For the purpose of guarding against fire and of insuring the erection of safe buildings, the council may pass any reasonable regulation as to the manner and materials of construction of all buildings.

95. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the chief engineer to order and direct such building, or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed; and no action shall be maintained against any person or against the said city therefor. But any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the city council to assess and pay

1891-2.
p. 660.

1897-8.
p. 545.

the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the city council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection, and payment of the same in the same manner as is provided for the ascertainment, assessment, collection, and payment of damages sustained by the taking of land for purposes of public improvement.

96. The commissioners appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of such building, or any part thereof, by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all said damages of the said claimant. But any party feeling aggrieved thereby, may appeal to the circuit court of the city of Richmond, which court, in taking jurisdiction thereof, shall be controlled by the laws regulating assessment of damages to real estate in other cases.

CHAPTER VII.

THE JUDICIARY.

97. There shall be elected by the qualified voters of said city, at the first charter election, and every six years thereafter, one clerk for the circuit court, one clerk for the hustings court, and one clerk for the chancery court of the city of Richmond, who shall serve for the period of six years, and until their successors be elected and qualify. They shall receive, in compensation for their services, the fees and emoluments allowed by law to clerks of the circuit courts.

98. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one Commonwealth's attorney for the circuit court, who shall also prosecute in all cases in the hustings court of the city of Richmond. He shall hold his office for a term of two years, and until his successor be elected and qualify, unless sooner removed, and shall receive such compensation for his services as may be prescribed by law.

99. There shall be elected at the first charter election, and every two years thereafter, by the qualified voters of said city, one sheriff of the city of Richmond, who shall, before entering

upon the duties of his office, give bond, with good security, in a penalty of not less than one hundred thousand dollars nor more than three hundred thousand dollars, as shall be required by the judge before whom he shall execute the same, whose powers and duties, liability, responsibility, emoluments, and term of office shall be, so far as not inconsistent with the provisions of this act, the same as now provided by law in respect to the sheriff of the city of Richmond.

100. There shall be elected at the first charter election, and every two years thereafter by the qualified voters of the said city, one city sergeant, who shall serve for two years until his successor be elected and qualify, unless sooner removed. He shall keep his office in such a place as the city council may provide and appoint, and shall receive such compensation for his services as the city council shall determine. He shall, as city jailor, pay the salaries of all the deputies or guards needed and appointed for the safe-keeping of the prisoners in the city jail, and the city shall nowise responsible be therefor, except guards appointed by the court when the same are necessary on account of the insecurity of the jail. Before entering upon the duties of his office the said city sergeant shall give bond and security in such amount as the city council shall determine, which bond shall be approved by the said city council, entered on their records and filed in the office of the city clerk.

1897-8.
p. 546.

101. The said sergeant shall attend the terms of the court of hustings, and act as the officer thereof. He shall also in all respects, except as to the collection of taxes, have the same powers and authority, and shall perform the duties, and be subject to the same liabilities and penalties, and be proceeded against in the same manner as sheriffs.

102. There shall be elected by the qualified voters of the city of Richmond, at the first charter election, one high constable for said city, who shall hold his office for the term of two years, and until his successor be appointed and qualify, unless sooner removed from office. Said high constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as the said council shall determine. He shall in civil cases have the same powers and duties and be subject to the same penalties as prescribed by law to other constables, and shall perform such duties as the city council may ordain, not in conflict with the provisions of this act, the laws of this State, or the laws of the United States.

1874.
p. 232.

103. Before entering upon the duties of his office, the said high constable shall give bond and security, in such amount as shall be required by the city council, for the faithful discharge of the duties of his office; which bond shall be approved by the said council, entered on their record, and filed in the office of the city clerk. Said high constable may appoint one or more deputies to attend to and execute the duties of

his office; but the sureties on the bond of the high constable shall be equally liable for the acts of the deputy or deputies as for those of their principal.

104. The sergeant of the city of Richmond shall be the officer of the hustings court, and the sheriff of the city of Richmond shall be the officer of the circuit court, and also of the chancery court.

1869-70,
p. 456.

105. There shall be appointed by the city council one police justice, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, unless sooner removed from office. The police justice shall hold a court daily in said city (Sundays excepted), in such place as the city council may provide and appoint. The jurisdiction of the court shall extend to all cases arising within the jurisdictional limits of the city, of which a justice of the peace may take cognizance under the laws of the State, and to all cases arising under the charter or ordinances of the city, or where there is a claim against the city or a person therein, if it does not exceed one hundred dollars, exclusive of interest; and the judgment shall be final in all civil cases where the matter in controversy, exclusive of costs, is not more than twenty dollars. He shall have such other powers and jurisdiction as may be conferred upon him by the city council, not in conflict with the Constitution and laws of the United States and of the State of Virginia. The city council may provide for the appointment of such clerks and officers for said court of the police justice, and make such rules for the government of said court, as they may find proper. If any person who has been duly summoned as a witness to attend and give evidence before the police justice, touching any matter or thing pending before him under the charter or any ordinance of the city, shall fail to attend in obedience to said summons, he or she may be fined, at the discretion of the said justice, in a sum not exceeding twenty dollars.

1869-70,
p. 456.

106. There shall be elected by the qualified voters of each ward three justices of the peace for each ward of the said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualify, unless sooner removed from office. They shall be designated by the city council as first, second, third, et cetera, justices. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Richmond, and shall have the same powers and duties within said limits as are provided by law in respect to justices of the peace in the counties of this State in their respective counties, except that nothing herein contained shall be construed as vesting in said justices any portion of the jurisdiction given by act to the police justice. Whenever the police justice shall be absent from the city, or unable, from any cause, to hold his court, the same shall be holden by a justice of the peace, to be

designated by the council. And when the said court shall be holden by a justice of the peace six or more days in succession, he shall be entitled to receive therefor the same compensation, pro rata, that may be prescribed as salary to the police justice.

107. Any officer, who by the provisions of the charter of Richmond is required to be elected or appointed by the city council, shall be elected or appointed by the two branches in joint meeting. The president of the board of aldermen shall preside at such joint meeting, and each member of the two branches shall be entitled to one vote in all joint meetings of the two boards.

108. All ordinances, resolutions, and acts of the city council shall be signed by the president of each branch, and shall be presented to the mayor for his approval, who, if he objects thereto, shall, within five days after it shall have been presented to him for his assent, return it to that branch of the city council in which it originated, with his objection in writing, and if a majority of the whole number of the members of each branch shall be of opinion that the ordinance, resolution, or act ought to be passed, it shall, notwithstanding the objections of the mayor, become a law.

109. The board of aldermen may appoint a clerk, who shall attend the meetings of said board, and keep a record of its proceedings, and shall perform such other acts and duties as the said board may from time to time require of him.

110. All acts and parts of acts in conflict with this act are hereby repealed.

111. This act shall be force from its passage.

BOUNDARIES OF THE CITY OF RICHMOND.

AN ACT

TO EXTEND AND DEFINE THE BOUNDARIES OF THE CITY OF RICHMOND.

(Approved February 13, 1867.)

1. Be it enacted by the general assembly, That the boundaries of the city of Richmond shall be extended and defined as follows: The said city of Richmond shall extend, on its southern boundary, to the line which now divides the counties of Henrico and Chesterfield, from a point in said dividing line, which will be struck by the extension of the western line of the city limits, across the river to said dividing line, to a point in said dividing line which will be struck by the extension of the eastern line of the city limits, across the river, to said dividing line; and shall include all the territory lying between the present southern limits of said city and the said dividing line, and between said western and eastern lines extended as aforesaid.

2. The other boundaries of said city shall be as follows: Beginning at a point in the line which divides the counties of Henrico and Chesterfield, which will be struck by the extension southwardly of the western line of Hollywood Cemetery, and running thence northwardly to the southern line of Clark's spring property, now belonging to the city of Richmond; thence along said line and the extension of the same to a point one hundred and fifty feet west of the western line of Randolph street; thence northwardly and on a line parallel with said Randolph street, and one hundred and fifty feet from its western line to a point on said line, one hundred and fifty feet southward from the southern line of Dover street on the Plank road, to a point one hundred and fifty feet west of the western line of a street on which Mr. John Carter resides, which is probably a continuation of Carter street; thence northwardly, crossing the Plank road, and on a line parallel with said Carter street, and one hundred and fifty feet westwardly from its western line, to the street or road which separates the farm of William C. Allen from the lands of the Richmond College, and continuing the same line through sundry lots and the lands of Nathaniel F. Bowe to the northern margin of Bacon branch, one of the branches of Shockoe creek; thence down the northern margin of Bacon branch by its meanders to the point where the present northern boundary of the city crosses the said branch, at or near the extended line of Seventh street, on the map of the city;

thence eastwardly with the present boundary line, passing the corner on said boundary, marked C on said map, to a point on the west side of the County road leading from Valley street in said city to Chelsea or Bowling Green; thence down the centre of said road southwardly to Seventeenth or Valley street; thence along said Seventeenth or Valley street southwardly to the County road leading from said Seventeenth or Valley street to Fairfield; thence up and along the centre of said road eastwardly to a point one hundred and fifty feet eastward of the east line of Gamble street, extended northwardly, as the said street is laid down on the plan of Brown, Page, and Gamble, commonly called McKenzie's Garden; thence southwardly and parallel with the said Gamble, Federal or Purcell streets one hundred and fifty feet eastward of the eastern lines of said streets, to a point in said line one hundred and fifty feet north of Venable street, as marked on Adam's plan; thence eastwardly and on a line one hundred and fifty feet northward of the north line of Venable street, and parallel therewith, to a point one hundred and fifty feet northward of the north line of Q street; thence along a line eastwardly and parallel with said Q street, and one hundred and fifty feet therefrom, to a point one hundred and fifty feet eastward of Thirty-first street; thence southwardly and parallel with Thirty-first street, and one hundred and fifty feet therefrom, to a point one hundred and fifty feet north of the northern line of Marshall street on said plan; thence eastwardly and on a line one hundred and fifty feet northward of the north line of Marshall street, and parallel therewith, to a point on said line one hundred and fifty feet eastward of Thirty-fourth street; thence southwardly on a line parallel with Thirty-fourth street, and one hundred and fifty feet therefrom, to a point in said line one hundred and fifty feet north of the northern line of Main street extended; thence eastwardly and on a line parallel with said Main street so extended, and one hundred and fifty feet therefrom, until the said line meets a point one hundred and fifty feet eastward of the eastern line of Fulton street, in the town of Fulton; thence along said line in a southwardly direction, and parallel with said Fulton street, until it strikes a point in said line one hundred and fifty feet southwardly of the south line of a street known as Orleans street; thence westwardly and on a line one hundred and fifty feet south of the southern line of said Orleans street, and one hundred and fifty feet therefrom to James river, and thence across said river, continuing the same course to the dividing line between the counties of Henrico and Chesterfield.

3. The inhabitants of the district of country lying between the present boundary of the city and the new boundary hereby established, shall not be liable, in their persons or property within the said district, for the period of five years from the passage of this act, for any portion of the debt contracted by the city of Richmond prior to the commencement of this act, or of the interest due and accruing thereon.

4. All taxes levied and collected upon persons and property within the limits hereby added to the city of Richmond, shall, for the period of three years from the passage of this act, be applied to the improvement, protection, and police of the district so annexed.

5. It shall be lawful for the sheriff or other collectors of the county of Henrico to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants embraced within the limits of the extension of the corporation of the city of Richmond, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

6. The county levy for the year eighteen hundred and sixty-seven shall be collected within the limits added to the city of Richmond by this bill, by the authorities of Henrico county, and no taxes shall be collected from the persons or property within said limits by the authorities of the city of Richmond for the year eighteen hundred and sixty-seven.

7. The council of the city of Richmond shall provide for the representation in the council of the city of Richmond of the inhabitants of the territory embraced in said extension.

8. This act shall be in force from and after the first day of July, eighteen hundred and sixty-seven.

AN ACT

TO EXTEND THE CORPORATE LIMITS OF THE CITY OF RICHMOND.

(Approved February 19, 1862.)

1. Be it enacted by the general assembly of Virginia, That the territory hereinafter mentioned shall constitute a portion of the city of Richmond, in addition to its present territory—to-wit: Beginning at a point where the north line of Broad-street road intersects with the present western boundary line of the city of Richmond; thence along the north line of said Broad-street road in a westwardly direction to the northwest intersection of said Broad-street road with the Boulevard; thence along the western line of the Boulevard to the southwest intersection of the Boulevard with the Grove road; thence along the south line of the Grove road to its intersection with the present western boundary line of the city of Richmond; thence along the present western boundary line of the city of Richmond in a northwardly direction to the point of beginning.

2. Said annexed territory shall be a part of the present Clay ward of the city of Richmond until otherwise ordered by said city.

3. The city council of said city may make such improvements within said territory as it now has power as to the property within its present limits. But no improvement shall be made at

the expense of the abutting owners until after allegations shall have been heard.

4. Whenever a permanent improvement of a street or alley within said territory, such as opening, grading, guttering, flagging, curbing, or paving sidewalks and road-bed, shall be made, whether upon petition of abutting owners or without petition, the city engineer shall ascertain the total cost of such improvement for such street or alley, or so much thereof as may be improved. He shall then apportion the costs at so much per foot abutting upon the streets or alleys, or so much thereof as may be improved, dividing and apportioning the costs among the owners of the abutting lots, and certify the amount thereof in each case, of all the property owners, to the special assessment clerk, who shall make out bills for the same and furnish them to the city auditor, who shall make proper entry thereof on his books, and then place them in the hands of the city collector to be collected and accounted for in the manner prescribed for the collection of city taxes, and said assessments shall be a lien on said lots until paid; provided, however, that as to any improvement made in Broad-street road, Boulevard, and Grove road the abutting owners of property within said annexed district shall be charged with the entire cost of improving the sidewalk on which they abut, including guttering, curbing, and flagging, and one-half of the cost of improving the roadway.

5. Repairs and renewals of streets or alleys shall be paid for in such manner as the city may from time to time prescribe as to streets and alleys, respectively, within her present limits.

6. It shall be lawful for the sheriff, or any other collectors of the county of Henrico, to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants embraced within said annexed territory at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The taxes for the year eighteen hundred and ninety-two from the person or property within said annexed territory shall be due to and collected by the city of Richmond.

8. All acts and parts of acts in conflict with this act are hereby repealed.

9. This act shall be in force from the date of its passage.

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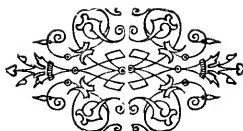
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